



MIAMI BEACH

Special City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
January 30, 2006

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Mayor David Dermer
Vice-Mayor Richard L. Steinberg
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Luis R. Garcia, Jr.
Commissioner Saul Gross
Commissioner Jerry Libbin

City Manager Jorge M. Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

Times based on the digital recording in the City Clerk's Office

Meeting called to order at 4:17:32 p.m. by Mayor David Dermer.

Murray Dubbin, City Attorney, requested that the Mayor and Commission called an Attorney-Client Session in order to give advice as to a matter pending.

Motion made by Vice-Mayor Steinberg to call an Attorney-Client Session; seconded by Commissioner Bower. Motion passed without objections. Absent: Commissioners Gross and Garcia.

Agenda Item No. 1

4:18:20 p.m.

Notice of Attorney-Client Session

Murray Dubbin, City Attorney, Explained That Pursuant To 286.011 Florida Statutes, There Will Be An Attorney-Client Session Concerning The Following Pending Litigation, Which Involves Only One Piece Of Litigation:

City Of Miami Beach, Florida, Vs. Micky Biss And USA Express, Inc., Which Has Been Pending Before The District Court Of Appeal, Third District, Case No. 3D04-1589, Which Was A Certiorari Proceeding From A Lower Tribunal Case No. 3-682NP.

The Private Closed Attorney Session Will Be Held Immediately Upon Recess Of This Meeting, 4:00 O'clock, Monday, January 30, 2006 In The City Manager's Large Conference Room, On The Fourth

Floor Of City Hall, To Discuss Strategy And Litigation Expenses And To Provide Advice To The City Attorney.

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The City Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia, Jr., Saul Gross, Jerry Libbin And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Donald Papy, Deputy City Attorney Jean Olin, First Assistant City Attorneys Deborah Turner And Gary Held And Special Counsel Richard Ovelman.

ACTION: Announced and held.

The Special Commission Meeting reconvened at 4:54:20 p.m.

Vice-Mayor Steinberg called the meeting to order.

Robert E. Parcher, City Clerk, clarified for the record that on the video for the earlier part of the meeting the date shown was 9/21/05 and it should have been 1/30/06.

4:54:49 p.m.

Murray Dubbin, City Attorney, announced the closure of the Attorney-Client Session at approximately 4:50 p.m., and that the work of the Attorney-Client Session is complete. At this time, it would be appropriate to publicly discuss the instructions given to the City Attorney's Office by the Mayor and Commission concerning the potential appeal in Case No. 3D04-1589. He suggested having the City Commission make a motion to instruct the City Attorney's Office not to seek an appeal.

Motion made by Commissioner Bower to instruct the City Attorney's Office not to appeal the case to the Supreme Court; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Mayor Dermer.

4:56:31 p.m.

Rick Ovelman, Special Counsel, gave an overview of the case.

Handout or reference materials:

1. Memorandum from Murray H. Dubbin, City Attorney to Mayor David Dermer and Members of the City Commission dated January 26, 2006 RE: Notice of Attorney-Client Session.
2. Ad in The Miami Herald – Notice of a Special City Commission Meeting
3. Memorandum from Robert Parcher, City Clerk, to Mayor David and Members of the City Commission dated January 26, 2006 RE: Notice of a Special Commission meeting to be held on Monday, January 30, 2006 at 4:00 p.m.

Meeting adjourned at 5:05:06 p.m.